

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

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|--|---|-----------------------------------|
| NEW HAMPSHIRE LOTTERY COMMISSION, |) | |
| |) | |
| NEOPOLLARD INTERACTIVE LLC, <i>and</i> |) | |
| |) | |
| POLLARD BANKNOTE LIMITED, |) | |
| |) | |
| <i>Plaintiffs,</i> |) | |
| |) | |
| v. |) | Civil Action No. 1:19-cv-00163-PB |
| |) | |
| WILLIAM P. BARR, in his official capacity as |) | |
| Attorney General of the United States, |) | |
| |) | |
| UNITED STATES DEPARTMENT OF JUSTICE, |) | |
| |) | |
| AND UNITED STATES OF AMERICA, |) | |
| |) | |
| <i>Defendants.</i> |) | |
| | | |

**DECLARATION OF LYLE BECKWITH IN SUPPORT OF
PROPOSED DEFENDANTS-INTERVENORS' MOTION TO INTERVENE**

I, the undersigned, Lyle Beckwith, do hereby depose and state as follows:

1. I am the Senior Vice President of Government Relations of the National Association of Convenience Stores (NACS), for which I have worked since June, 1994.

2. NACS is a trade association whose purpose is to advance the interests of its retail convenience store members. It has 2,100 retailer and 1,750 supplier members in more than 50 countries. Among NACS's members are convenience stores located in the State of New Hampshire that sell lottery products.

3. NACS's New Hampshire members compete with New Hampshire's online lottery offerings when selling physical lottery products. A ruling that the Wire Act does not allow New

Hampshire to sell lottery products over the internet would eliminate unlawful competition. NACS members thus have a direct, financial stake in the outcome of this case.

4. NACS agrees with the 2018 Office of Legal Counsel memorandum concerning the Wire Act's application to non-sports betting, and its position is that the Wire Act fully applies to the States, State employees, and State vendors.

5. NACS would like to intervene at this time in order to ensure that its members interests are fully represented in this litigation.

6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 22, 2019

Respectfully submitted,

/s/ Lyle Beckwith

Lyle Beckwith

Senior Vice President

National Association of Convenience
Stores